

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

ALVIN CRAIG KENNEDY  
Plaintiff,

v.

CHURCH OF SATAN  
Defendant.

3 08 0225  
No. Judge Trauger

M E M O R A N D U M

The plaintiff, proceeding *pro se*, is an inmate at the Riverbend Maximum Security Institution in Nashville. He brings this action pursuant to 42 U.S.C. § 1983 against an entity he refers to as the Church of Satan, seeking injunctive relief and damages.

On December 27, 2007, the plaintiff sent a letter to the Church of Satan in San Francisco, California requesting information about the church and Satanism. He also stated in the letter that he "was very serious about becoming a member of the Dark Side". Docket Entry No.1 at pg.7.

Shortly thereafter, the Post Office returned the letter to the plaintiff with a note from "Mr. Satan" explaining that he was not approved to worship the Dark Side. The plaintiff believes that the defendant has violated his rights in some way by failing to provide him with the requested information and by not approving him for worship of the Dark Side.

To establish a claim under 42 U.S.C. § 1983, the plaintiff must plead and prove that the defendant, while acting under color of state law, deprived him of some right secured by the

Constitution or laws of the United States. Parratt v. Taylor, 451 U.S. 527, 535, 101 S.Ct. 1908, 1913, 68 L.Ed.2d 420 (1981).

The Church of Satan was not acting under color of state law when it refused to honor the plaintiff's request for information about its religion. Thus, in the absence of conduct under color of state law, the plaintiff has failed to state a claim upon which relief can be granted. Therefore, the Court is obliged to dismiss the instant complaint (Docket Entry No.1) *sua sponte*. 28 U.S.C. § 1915(e) (2).

An appropriate order will be entered.



Aleta A. Trauger  
United States District Judge